

- Group V - Claims 1-2, drawn to methods of inhibiting T cell cytotoxicity with mimetics which inhibit sLe_x binding, classified in Class 514, subclass 12; or
- Group VI - Claims 1-2, drawn to methods of inhibiting T cell cytotoxicity with small molecule inhibitors of PSGL binding, classified in Class 514, subclass 885.

The Examiner stated that claims 1 and 2 link the claim groups defined above, and that the restriction requirement is subject to nonallowance of one or more linking claims. Upon allowance of a linking claim, the Examiner noted that any claims depending from or otherwise including all the limitations of the linking claim will be entitled to examination in the instant application.

Additionally, Applicants are asked to select one species of disease or condition to be treated from the group: asthma, allergy, autoimmune disease, viral infection, or tumor. Finally, the Examiner designates claims 1 and 2 as generic claims, and requires election of a single disclosed species to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicants provisionally elect with traverse to prosecute Group II, claims 1-2, 4 and 26-34 drawn to methods of inhibiting T cell cytotoxicity with PSGL-specific antibodies. Additionally, Applicants select to pursue autoimmune diseases or conditions at this time, again with traverse.

The Examiner states that the groups are directed towards independent and distinct inventions. For a restriction requirement to be proper, the Examiner must show that both (1) the inventions as claimed are independent and distinct, and (2) there would be a serious burden on the Examiner if restriction was not required. M.P.E.P. §803. The Examiner has focused on only the first part of this two-part test. In order to properly

restrict the groups, the Examiner needs to show that there would be a serious burden in examining the claims together. "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." M.P.E.P. § 803. Here, no serious burden exists.


Applicants respectfully note that Groups I, V, and VI are classified in the same class, class 514, and that Groups II, III, and IV are of class 424. The Examiner has not provided other reasoning to support restriction between the methods as claimed. Therefore, Applicants assess that without a further showing it would not be a serious burden to search at least Groups I, V, and VI together, or Groups II, III and IV together. Additionally, Applicants submit that searches encompassing methods relating to inhibition of a T cell or CTL response are related, regardless of disease etiology, and that there would not be a serious burden in examining the groups and species together. Thus, Applicants request that the restriction requirement be withdrawn, or at least limited to two groups.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: March 1, 2004

By: 
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